Remarks/Arguments:

Applicants note that the June 6, 2007 Office Action indicated that claims 54-59 contained allowable subject matter. The August 2, 2007 Amendment put such claims in independent form and a notice of allowance was anticipated. The current Office Action now rejects such claims based on a primary reference relied on in the previous Office Action without any explanation for the examiner's change in interpretation of such reference. As explained below, Applicants respectfully submit that each of the pending claims remains allowable over the cited references.

Claim Rejections Under 35 U.S.C. §102

Claims 32, 44, 55-57, 61 and 62 stand rejected under 35 U.S.C. §102 as anticipated by U.S. Patent No. 4,014,414 (Yamamoto et al.). Applicants traverse these rejections.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. §2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claim 32 recites "[a] hydraulic vehicle brake equipped with a parking brake device, in particular for motor vehicles, including a brake housing in which a hydraulic service pressure chamber is delimited by a brake piston, with the parking brake device acting on the brake piston and, in the applied condition, being lockable by means of a locking device, and an energy accumulator cooperating with the brake piston being equipped with at least one integrated spring element, wherein the parking brake device is operable by a pressure that is introduced into the service pressure chamber and enables charging the energy accumulator, and wherein an arresting unit, formed of at least one electromagnet with a coil that fulfils the function of a sensor for sensing the position of a slide actuated by an armature of the electromagnet, is provided which maintains the energy accumulator in its charged condition during service brake operations."

The current application explains that the coil of the electromagnet fulfills the function of a sensor for detecting the position of the slide such that it can be determined whether the force-transmitting part is freed or blocked, or whether the parking brake device is released or locked. Additionally, the detected position may also be utilized to determine a condition of the vehicle brake or the parking brake device, e.g. a worn out brake pad. Illustrative methods of

determining the position of the armature through variation of current flowing through one or more coils are explained.

Yamamoto et al. does not teach or suggest an electromagnet with a coil that fulfils the function of a sensor for sensing the position of a slide actuated by an armature of the electromagnet. Yamamoto et al. explains at column 5, lines 7-16, that a switch 114 is associated with the solenoid and is only indicative of a solenoid energized or de-energized condition. There is no teaching of sensing the position of the slide, nor any teaching that such sensing is performed by the coil. Yamamoto et al. fails to teach or suggest each limitation of the claimed invention.

It is respectfully submitted that independent claim 32 is in condition for allowance. Claims 44, 55 and 61-62 each depend from claim 32 and are therefore allowable as dependent on allowable claim 32. Similarly, withdrawn claim 60 should be allowed as dependent on allowable generic claim 32.

Independent claim 56 recites "[a] hydraulic vehicle brake equipped with a parking brake device, in particular for motor vehicles, including a brake housing in which a hydraulic service pressure chamber is delimited by a brake piston, with the parking brake device acting on the brake piston and, in the applied condition, being lockable by means of a locking device, and an energy accumulator cooperating with the brake piston being equipped with at least one integrated spring element, wherein the parking brake device is operable by a pressure that is introduced into the service pressure chamber and enables charging the energy accumulator, wherein an arresting unit, formed of at least two electromagnets, and the armatures of the electromagnet act upon a slide, and a coil of the first electromagnet actuates the slide, <u>while a coil of the second electromagnet fulfils the function of a sensor for detecting the slide position</u>, is provided which maintains the energy accumulator in its charged condition during service brake operations."

As explained above, Yamamoto et al. does not teach or suggest any electromagnet with a coil that fulfils the function of a sensor for sensing the position of a slide actuated by an armature of the electromagnet. Furthermore, with respect to the second solenoid 176, such is only provided to provide a second braking condition with a greater force as explained at column 6, lines 9-59. The two armatures 76' and 176 do not act upon a common slide. Yamamoto et al. fails to teach or suggest each limitation of the claimed invention.

It is respectfully submitted that independent claim 56 is in condition for allowance. Claim 57 depends from claim 56 and is therefore allowable as dependent on allowable claim 56.

Claim Rejections Under 35 U.S.C. §103

Claims 58 and 59 stand rejected under 35 U.S.C. §102 as unpatentable over Yamamoto et al. in view of U.S. Patent No. 5,645,143 (Mohr et al.). Applicants traverse these rejections.

"To establish a *prima facie* case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." M.P.E.P. §2143. Additionally, as set forth by the Supreme Court in KSR Int'l Co. v. Teleflex, Inc., No. 04-1350 (U.S. Apr. 30, 2007), it is necessary to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the prior art elements in the manner claimed.

Independent claim 58 recites "[a] hydraulic vehicle brake equipped with a parking brake device, in particular for motor vehicles, including a brake housing in which a hydraulic service pressure chamber is delimited by a brake piston, with the parking brake device acting on the brake piston and, in the applied condition, being lockable by means of a locking device, and an energy accumulator cooperating with the brake piston being equipped with at least one integrated spring element, wherein the parking brake device is operable by a pressure that is introduced into the service pressure chamber and enables charging the energy accumulator, wherein an arresting unit, formed of at least one piezoelectric actuator that actuates a slide and detects the slide's position, is provided which maintains the energy accumulator in its charged condition during service brake operations."

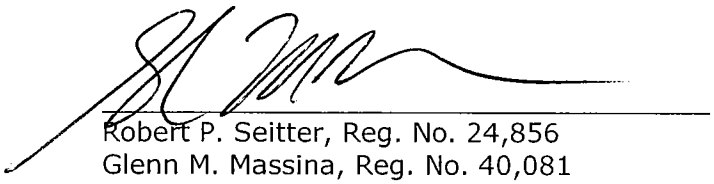
The Office Action acknowledges that Yamamoto et al. fails to disclose an arresting unit formed of at least one piezoelectric actuator. Mohr et al. is cited as teaching a braking system with a brake caliper with a piezoelectric actuator 14, 15. While Mohr et al. may include a piezoelectric actuator, it does not teach or suggest the use of such to actuate a slide which maintains an energy accumulator in a charged condition. Furthermore, there is no teaching or suggestion in either reference of detecting the slide's position. None of the references, alone or in any reasonable combination, teaches or suggests each limitation of the claimed invention.

It is respectfully submitted that independent claim 58 is in condition for allowance. Claim 59 depends from claim 58 and is therefore allowable as dependent on allowable claim 58.

It is respectfully submitted that each of the pending claims is in condition for allowance. Early reconsideration and allowance of each of the pending claims are respectfully requested.

If the Examiner believes an interview, either personal or telephonic, will advance the prosecution of this matter, the Examiner is invited to contact the undersigned to arrange the same.

Respectfully submitted,



Robert P. Seitter, Reg. No. 24,856
Glenn M. Massina, Reg. No. 40,081
Attorneys for Applicants

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☒ P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

☐ P.O. Box 1596
Wilmington, DE 19899
(302) 778-2500

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